



MAY 30 2018

Russ Kick
P.O. Box 36914
Tucson, AZ 85740-6914

RE: FOIA Request Tracking Number 850471

Dear Mr. Kick:

This is in response to your Freedom of Information Act (FOIA) request of February 1, 2018, wherein you requested, "copies of the original and final version of any quantitative economic analyses completed as part of the draft rulemaking for Tip Regulations Under the Fair Labor Standards Act RIN: 1235-AA21."

As we informed you in our acknowledgment letter, your request has been assigned to the Wage and Hour Division (WHD), the Office of the Assistant Secretary for Policy (OASP) and the Office of the Solicitor (SOL) for processing. In accordance with the Department's FOIA regulations published at 29 C.F.R. 70.20, when it is determined that records responsive to a request may be located in multiple components of the Department, the Office of Information Services (OIS), within the Office of the Solicitor, may coordinate a Departmental response. In this instance, my staff in OIS has worked with each of the components referenced above to search for and process all documents deemed responsive to your request.

Each DOL component assigned this request conducted a search and located a total of 77,153 pages of records deemed responsive to your request. We are withholding 26,553 pages in full pursuant to 5 U.S.C. § 522 (b)(5), which permits the withholding of records reflecting advisory opinions, recommendations and deliberations or the deliberative process privilege. We are withholding the remaining 50,600 pages in full pursuant to 5 U.S.C. § 522 (b)(5) because they contain material protected by the deliberative process privilege as well as confidential communications protected by the attorney-client privilege. Consistent with the mandates of FOIA, we have reviewed this material and determined that there are no reasonably segregable portions of these records that can be disclosed.

Questions regarding this response can be addressed to Sharon Hudson, SOL FOIA Coordinator, by phone at 202-693-5406 or by email at HUDSON.SHARON@dol.gov.

If you need any further assistance or would like to discuss any aspect of your request please do not hesitate to contact the DOL FOIA Public Liaison, Thomas Hicks, at 202-693-5427 or by email at HICKS.THOMAS@dol.gov. Alternatively, you may contact the Office of Government Information Services (OGIS) to inquire about the mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. You can also reach that office by email at ogis@nara.gov, by phone at 202-741-5770, by fax at 202-741-5769, or by calling toll-free at 1-877-684-6448.

You may file an appeal of this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state in writing the grounds for the appeal, and it may include any supporting statements or arguments, but such statements are not required. In order to facilitate processing of the appeal, please include your mailing address and daytime telephone number, as well as a copy of the initial request and copy of this letter. The envelope and letter of the appeal should be clearly marked "Freedom of Information Act Appeal." Any amendment to the appeal must be made in writing and received prior to a decision. The appeal should be addressed to the Solicitor of Labor, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-2428, Washington, D.C. 20210. Appeals may also be submitted via email at foiaappeal@dol.gov. Emails submitted to any other email address will not be accepted.

Sincerely,

A handwritten signature in cursive script that reads "Susan Harthill".

Susan Harthill
Deputy Solicitor for National Operations